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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/9/66

In exercise of the power conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs Notification No. F.1/29/68-GP dated the 29th June, 1968, the Administrator of Goa, Daman and Diu is pleased to make the following rules regulating the Recruitment of persons to Class I posts in the Town and Country Planning Department, under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa, Daman and Diu Administration, Town and Country Planning Department Class I (Gazetted) posts Recruitment Rules, 1968.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Central Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. **Power to relax.** — Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any category of persons/ posts.

6. These rules shall come into effect from the date of their publication and will relate to appointments to the various posts made on or after this date.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. K. Bhanot
Chief Secretary

Panaji, 14th October, 1968.

ii) Associateship of the Institute of Town Planners (India) or equivalent membership of a professional institution.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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Finance (Expenditure) Department

MEMO

3-40/66/Fin(Exp)/Part III

The Government of India, Ministry of Home Affairs, New Delhi in their letter No. F.1/89/68-GP dated 11-9-1968 have equated certain «Absorbed

Posts» under rule 3 of the Absorbed Employees Conditions of Service (Rules), 1965 as indicated below:

V. S. Srinivasagopalan, Under Secretary (Finance).

Panaji, 11th November, 1968.

Kartika 20, 1890.

Sl. No.	Old designations of the posts	Portuguese pay attached	Revised designation of the post	Appropriate Central scale of pay approved
1.	2	3.	4.	5.
Public Works Department				
1.	Escriturario	Rs. 266-66	Lower Division Clerk	Rs. 110-3-131-4-155-EB-4-175-5-180.
2.	Soldador	Rs. 233-33	Welder	Rs. 110-3-131.
3.	Ferreiro	Rs. 233-33	Blacksmith	— Do —
4.	Ajudante de Electrecista	Rs. 216-66	Asst. Electrician	— Do —
5.	Fundidor	Rs. 233-33	Blacksmith	— Do —
6.	Ajudante de Bate Chapas	Rs. 183-33	Asstt. Iron sheet beater	— Do —
7.	Lavador	Rs. 133-33	Cleaner	Rs. 70-1-80-EB-1-85.
8.	Carpinteiro	Rs. 100-00	Carpenter Junior	Rs. 85-2-95-3-110.
9.	Ajudante de condutor	Rs. 100-00	Cleaner	Rs. 70-1-80-EB-1-85.
10.	Trabalhador	Rs. 100-00	Workman	— Do —
11.	Unskilled labourers	Rs. 120-00 Rs. 100-00 Rs. 83-33	Workman	— Do —
12.	Watchman	Rs. 90-00	Watchman	— Do —
Police Department				
13.	Ajudante de Mecanico	Rs. 150-00	Mechanic Gr. III	Rs. 110-3-131.
Civil Supplies Department				
14.	Second Officer	Rs. 520-00	Head Clerk	Rs. 210-10-290-15-320-EB-15-380.
Chief Electrical Engineers Office				
15.	Technician	Rs. 366-66	Junior Electrical Inspector	Rs. 180-10-290-15-380.
Government Printing Press				
16.	Carpenter	Rs. 120-00 Rs. 90-00	Carpenter Junior	Rs. 85-2-95-3-110.
17.	Peon	Rs. 45-00 Rs. 90-00	Peon	Rs. 70-1-80-EB-1-85.
Directorate of Land Survey				
18.	Auxiliar de Arquivista	Rs. 256-66	Lower Division Clerk	Rs. 110-3-131-4-155-EB-4-175-5-180.
Registration Department				
19.	Conservador do Registo Civil Grade I	Rs. 716-65	Civil Registrar Grade I	Rs. 350-20-450-25-475.
Law and Judiciary Department				
20.	Ajudante do Procurador da Republica	Rs. 1333-33	Civil Judge Senior Division	Rs. 700-40-1100-50/2-1150.
Captain of Ports				
*21.	1st Sailor	Rs. 200-00	Sailor	Rs. 110-3-131.
*	2nd Sailor	Rs. 180-00		
*	Sailor	Rs. 166-66		
*	Sailor	Rs. 150-00		
*	Sailor Cook	Rs. 150-00		
Common Ministerial Posts				
*22.	Ammanuense Grade I	Rs. 291-66	Upper Division Clerk	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.

*The equation of these absorbed posts has been approved by the Government of India, Ministry of Home Affairs, New Delhi, under their letter No. F.1/75/66-GP (Vol. II) dated 3rd September, 1968.

Law and Judicial Department

Notification

LD/N/2/56/68

The Indian Patents and Designs (Amendment) Act, 1968 (44 of 1968) which was recently passed by the Parliament and assented to by the President of India on 31-8-1968 is hereby republished for general information.

V. R. Vaze, Under Secretary (Law).

Panaji, 29th October, 1968.

The Indian Patents and Designs (Amendment) Act, 1968

AN

ACT

further to amend the Indian Patents and Designs Act, 1911

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Patents and Designs (Amendment) Act, 1968.

(2) It shall be deemed to have come into force on the 10th day of July, 1968.

2. **Insertion of new sections 78B, 78C, 78D and 78E.**—In the Indian Patents and Designs Act, 1911 (hereinafter referred to as the principal Act), after section 78A, the following sections shall be inserted, namely:—

78B. Special provisions relating to applications relevant for defence purposes.—(1) Where, in respect of an application, whether made before or after the commencement of the Indian Patents and Designs (Amendment) Act, 1968, for a patent, it appears to the Controller that the invention is relevant for defence purposes, he may, notwithstanding anything contained in the foregoing provisions of this Act, at any time before the grant of the patent omit to do or delay the doing of anything which he would otherwise be required to do in relation to the application and also, issue directions prohibiting or restricting,—

(i) the publication of information with respect to the subject-matter of the application; or

(ii) the communication of such information to particular persons or classes of persons.

(2) Where the Controller issues any such directions as are referred to in sub-section (1), he shall give notice of the application and of the directions to the Central Government, and the Central Government shall, upon receipt of such notice, consider whether the publication of the invention would be prejudicial to the defence of India, and if, on such consideration, it appears to it that the publication of the invention would not so prejudice, give notice to the

Controller to that effect, who shall thereupon revoke the directions and notify the applicant accordingly.

(3) The question whether an invention in respect of which directions have been issued under sub-section (1) continues to be relevant for defence purposes, shall be reconsidered by the Central Government within nine months from the date of issue of such directions and thereafter at intervals not exceeding twelve months, and if, on such reconsideration, it appears to the Central Government that the publication of the invention would no longer be prejudicial to the defence of India, it shall forthwith give notice to the Controller accordingly and the Controller shall thereupon revoke the directions previously issued by him.

(4) The result of every reconsideration under sub-section (3) shall be communicated to the applicant within such time and in such manner as may be prescribed.

(5) Any directions issued under rule 47 of the Defence of India Rules, 1962, in respect of an application for a patent for an invention such as is referred to in sub-section (1), and in force immediately before the commencement of the Indian Patents and Designs (Amendment) Act, 1968, shall, in so far as such directions are not inconsistent with the provisions of this section, be deemed to have been issued under that sub-section and accordingly the provisions of this section shall, so far as may be, apply to such application.

78C. Special provisions in respect of applications for patents in the field of food, drug or medicine.—(1) Where the Central Government is satisfied that it is necessary or expedient in the public interest so to do, the Central Government may, by notification in the Official Gazette and notwithstanding anything contained in the foregoing provisions of this Act, direct the Controller with respect to—

(a) all applications for patents, whether made before or after the commencement of the Indian Patents and Designs (Amendment) Act, 1968, in respect of inventions relating to—

(i) substances used or capable of being used as food or as medicine or drug, or

(ii) the methods or processes for the manufacture or production of any such substance as is referred to in sub-clause (i), or

(b) any class of applications referred to in clause (a),

to abstain from doing, or delay the doing of any thing which he would otherwise be required to do in relation to such applications and the Controller shall comply with such direction.

(2) The question whether a direction issued under sub-section (1) continues to be necessary or expedient in the public interest, shall be reconsidered by the Central Government within nine months from the date of issue of such direction and thereafter at intervals not exceeding twelve months, and if, on such reconsideration, it appears to the Central Government that it would no longer be necessary or expedient in

the public interest to continue the direction, it shall revoke the direction.

(3) The result of every reconsideration under sub-section (2) shall be published in the Official Gazette.

(4) Any directions issued under rule 47 of the Defence of India Rules, 1962, in respect of such applications or classes of applications for patents as are referred to in sub-section (1), and in force immediately before the commencement of the Indian Patents and Designs (Amendment) Act, 1968, shall, in so far as such directions are not inconsistent with the provisions of this section, be deemed to have been issued under that sub-section and accordingly the provisions of this section shall, so far as may be, apply to such applications.

Explanation. — For the purposes of this section, —

(a) "food" means any substance intended for the use of babies, invalids or convalescents, as an article of food or drink;

(b) "medicine or drug" includes —

(i) all medicines for internal or external use of human beings or animals,

(ii) all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of diseases in human beings or animals,

(iii) all substances intended to be used for or in the maintenance of public health, or the prevention or control of any epidemic disease among human beings or animals,

(iv) all chemical substances which are ordinarily used as intermediates in the preparation or manufacture of any of the medicines or substances referred to above,

but does not include insecticide, germicide, fungicide or any other substance intended to be used for the protection or preservation of plants.

78D. Consequences of directions under section 78B or section 78C. — (1) So long as any directions issued or deemed to have been issued under section 78B or section 78C are in force in respect of an application, —

(a) the Controller shall not pass an order refusing to accept such application; and

(b) notwithstanding anything contained in this Act, no appeal shall lie against any such direction or from any order of the Controller passed in respect thereof:

Provided that the application may, subject to the directions, proceed to the stage of the acceptance of the complete specification, but the acceptance shall not be advertised nor the specification published, and no patent shall be granted in pursuance of the application.

(2) The Controller may, having regard to the directions issued or deemed to have been issued under section 78B or section 78C in respect of any application for a patent or, as the case may be, any class of applications for patents referred

to therein and subject to such conditions, if any, as he thinks fit, extend the period (including any period specified in this Act as the period on the expiry of which an application for a patent shall be deemed to have been refused, or a patent applied for shall not be sealed, or the specification accompanying an application and the drawing supplied therewith shall be open to public inspection), within which anything is required to be done by or under this Act in connection with such application or applications, whether or not such period has previously expired.

78E. Contravention of directions under section 78B. — (1) If in respect of an application for a patent any person fails to comply with any direction issued or deemed to have been issued under sub-section (1) of section 78B, —

(a) the application for the patent shall be deemed to have been abandoned;

(b) such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(2) If the person committing an offence under sub-section (1) is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section, —

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

3. Repeal and saving. — (1) The Indian Patents and Designs (Amendment) Ordinance, 1968, is hereby repealed.

8 of 1968.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification

VPT/ELN/MUL/ELN/68/2306

In exercise of the powers conferred by Section 65 of the Goa, Daman and Diu Village Panchayat Regulation 1962, the Lieutenant Governor of Goa, Daman and Diu makes the following rules so as to amend the Goa, Daman and Diu Village Panchayat (Election Procedure) Rules 1967, namely:

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Village Panchayat (Election Procedure) Second Amendment) Rules 1968.

(2) They shall come into force at once.

2. **Amendment of Rule 56.** — (1) The existing rule 56 of the Goa, Daman and Diu Village Panchayat (Election Procedure) Rules, 1967, shall be re-numbered as sub-rule (1) and the following words shall be added at the end of the said sub-rule so re-numbered.

"Such a resignation shall be given to the Mamlatdar of the Taluka who shall be competent to accept it."

(2) The following sub-rules shall be added after sub-rule (1).

"(2) When such a resignation is given under sub-rule (1), nomination shall take place in the remaining ward or wards.

(3) In case such person fails to resign within the period specified in sub-rule (1), his election to all such seats shall be void and thereupon nomination shall be done in the wards from which such person had been elected".

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

R. L. Segel, Law Secretary and Director, Elections.

Panaji, 15th November, 1968.

Labour and Information Department

ORDER

LC/12/EPF-Not/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi, amending the Employees' Provident Funds Act, 1952, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 13th November, 1968.

Notification

Dated the 28th September, 1968

13/9/68-PF-II

G. S. R. — In exercise of the powers conferred by section 5, read with sub-section (1) of section 7, of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely:

1. This Scheme may be called the Employees' Provident Funds (Fifth Amendment) Scheme, 1968.

2. In paragraph 35 of the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme), after the word and figure "Form 3", the words, figure and letter "or Form 3A" shall be inserted.

3. In paragraph 38 of the said Scheme, after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:

"(3) Notwithstanding anything contained in sub-paragraph (2), in respect of such establishments as are notified by the Commissioner to be annually posted establishments, the employer shall forward to the Commissioner within twentyfive days of the close of each month, a monthly abstract in such form as the Commissioner may specify, showing, *inter alia*, the aggregate amount of recoveries made from the wages of all the members and the aggregate amount contributed by the employer in respect of all such members for the month. The employer shall also send to the Commissioner, within one month of the close of the period of currency, a Consolidated Annual Contribution Statement in Form 6A, showing the total amount of recoveries made during the period of currency from the wages of each member and the total amount contributed by the employer in respect of each such member for the said period. The employer shall maintain on his record duplicate copies of the aforesaid monthly abstract and Consolidated Annual Contribution Statement for production at the time of inspection by an Inspector".

4. In paragraph 41 of the said Scheme, for the second proviso, the following proviso shall be substituted, namely:

"Provided further that the cards issued,

(i) in respect of the first contribution period, or

(ii) in respect of the contribution period immediately preceding the date from which the establishment is notified as an annually posted establishment,

may be for a period which may be less or more than a year".

5. In paragraph 42 of the said Scheme, after the word and figure "Form 3", the words, figure and letter "or Form 3A" shall be inserted.

6. In sub-paragraph (2) of paragraph 60 of the said Scheme, for clause (a), the following clause shall be substituted, namely:—

ing to the credit of the member on the first day of April falling within the period of currency".

“(a) Interest for the period of currency of the card shall be allowed on the balance stand-

7. After Form 3 of the said Scheme, the following form shall be inserted, namely:—

“FORM 3A

The Employees’ Provident Funds Scheme, 1952
(Paras 35 & 42)

Contribution card for the currency period from 1st ... 196... to 30th/31st ... 196...

- (1) Account No. ...

(2) Name/Surname ...
(in block capitals)

(3) Father's/Husband's name ...
- (4) Name and address of the factory/establishment ...

(5) Statutory rate of contribution ...

(6) Voluntary higher rate of employees' contribution, if any ...

(A)

Sl. No.	Month	Wages	Workers' contribution	Employer's contribution	Refund of advances	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						(a) Date of leaving service, if any ...
2.						(b) Reason for leaving service, if any ...
3.						(c) Certified that the total amount of contributions indicated in this card i.e. Rs. ... has already been remitted in full in E.P.F. A/C No. 1 (vide Note below)
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
Total:—						

Signature of employer.

Certified that the difference between the total contributions shown under cols. 4 & 5 above and those arrived at on the total wages shown in column 3 at the prescribed rate is solely due to the rounding off of contributions to the nearest 25 paise under the rules.

Signature of employer
with office seal.

(B) Where the period of currency does not end on the 31st March the aggregate of contributions from the beginning of the first month of currency period upto the following 31st March, should be indicated separately in table below:—

Workers' share

Employers' share

Refund of advances.

Signature of employer.

Note:—In respect of the forms—3 sent to the Regional Office during the course of the currency period for the purpose of final settlement of the accounts of the members who had left service details of date and reasons for leaving service, and also a certificate as shown in the 'Remarks' columns should be added".

8. After Form 6, the following form shall be inserted, namely: —

FORM 6A

The Employees' Provident Funds Scheme, 1952

[Paragraph 38 (3)]

Consolidated Annual Contribution Statement

Statement of Contributions for the currency period from 1st ... 196... to ... 196...

Name and address of the Factory/Establishment ... Statutory rate of contributions: %.
Code No. of the Factory/Establishments ... No. of members voluntarily subscribing at a higher rate ...

Sl. No.	Account No.	Name of the member (in block capitals)	Wages, retaining allowance (if any) and D. A. including cash value of food concession paid during the currency period	Worker's contribution	Employer's contribution	Refund of advances	Rate of higher voluntary contribution (if any)	Remarks
1	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Total Rs. Rs. Rs. Rs.
Adm. charges Rs. ... Aggregate of () cols. 5+6+7 Rs.
(at 0.37% of wages). contributions. ()

Reconciliation of Remittances

Sl. No.	Month	Amount remitted contributions (including refund of advances)	Adm. Charges	
		Account No. 1	Account No. 2	
1.	Rs.	Rs.		Certified that the difference between the figures of total contributions and Adm. Charges remitted during the currency period and those shown under Cols. 4 to 7 above is solely due to the rounding off of the amounts to the nearest '25 — /5' paise under the rules.
2.	Rs.	Rs.		
3.	Rs.	Rs.		
4.	Rs.	Rs.		
5.	Rs.	Rs.		
6.	Rs.	Rs.		
7.	Rs.	Rs.		
8.	Rs.	Rs.		
9.	Rs.	Rs.		
10.	Rs.	Rs.		
11.	Rs.	Rs.		Signature of employer (with) Office Seal.
12.	Rs.	Rs.		
				Signature of employer.

Note: — 1) The names of all the members, including those who had left service during the currency period, should be included in this statement. Where the Forms 3A in respect of such members as had left service were already sent to the Regional Office for the purpose of final settlement of their account, the fact should be stated against the name of the member in the 'Remarks' column above thus: "Form 3A already sent in the month of ... 196...".

2) In case of substantial variation in the Wages/Contributions of any member as compared to those shown in the previous statement, the reason should be explained adequately in the 'Remarks' column".

Sd/-

S. T. MERANI
Joint Secretary.

ORDER

LC/14/MDLB-Not/68

The following Notification from the Government of India Ministry of Labour, Employment and Rehabilitation (Deptt. of Labour and Employment), issued under Mormugao Dock Workers (Regulation

of Employment) Scheme, 1965, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 16th November, 1968.

Dated the 11th October, 1968

Notification

S.O. — In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Mormugao Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely: —

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) First Amendment Scheme, 1968.

2. In Clause II of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, after item (e), the following item shall be inserted, namely: —

“(f) make appointments to the posts the maximum salary of which exclusive of allowances is not more than five hundred and seventy five rupees per month”.

No. 65/10/68-Fac-II-4

Sd/-

K. D. HAJELA
Under Secretary.

ORDER

LC/12/EPF-Not/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi, issued under Employees' Provident Funds Act, 1952, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 16th November, 1968.

Dated the 16th October, 1968

Notification

G. S. R. — In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely: —

1. This Scheme may be called the Employees' Provident Funds (Sixth Amendment) Scheme, 1968.

2. In the Employees' Provident Funds Scheme, 1952, in paragraph 68-B —

(i) in sub-paragraph (1), for the words “twelve months” wherever they occur, the words “twenty four months” shall be substituted;

(ii) in the first proviso to sub-paragraph (1), for the words “six months” wherever they occur, the words “twelve months” shall be substituted;

(iii) after sub-paragraph (6-A), the following proviso shall be inserted, namely: —

“Provided that if a member has repaid to the Fund the entire amount of advance taken under this paragraph before the expiry of 5 years, the Commissioner shall, on the request of the member, return the title deeds deposited with him without waiting for the expiry of the period of five years”.

No. 3(7)/67-PF-II

Sd/-

DALJIT SINGH
Under Secretary.

ORDER

LC/12/EPF-Not(2)/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi, issued under the Employees' Provident Funds Act, 1952, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 16th November, 1968.

Notification

Dated the 16th October, 1968

G. S. R. — In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely: —

1. This Scheme may be called the Employees' Provident Funds (Seventh Amendment) Scheme, 1968.

2. Paragraph 68-H of the Employees' Provident Funds Scheme, 1952 shall be renumbered as sub-paragraph (1) thereof and after sub-paragraph (1) as so renumbered, the following sub-paragraph shall be inserted, namely: —

“2(a) in case the factory or other establishment continues to remain locked up or closed-down for more than six months and the appropriate Government is of opinion that the said factory or establishment is likely to re-start, the Commissioner, on being satisfied that a member who has already been granted one or more non-recoverable advances to the full extent from his provident fund account under sub-paragraph (1) still continues to be unemployed and no compensation is likely to be paid to him at an early date, may authorise payment to the member of one or more recoverable advances from his provident fund account not exceeding 50% of the em-

players' total contributions including interest thereon upto the date the payment has been authorised or 50% of the amount admissible under sub-paragraph (3) of paragraph 69 if the member had been allowed to withdraw his accumulations on such date *whichever is less*.

(b) the advance granted under clause (a) shall be interest-free

(c) The advance granted under clause (a) shall be recovered by deductions from the wages of the member in such instalments as may be determined by the Commissioner. The recovery shall commence from the first wages paid to the member immediately after the re-start of the factory or establishment.

(d) *The employer shall remit the amount so deducted to the Fund within such time and in such manner as may be specified by the Commissioner. The amount, on receipt shall be credited to the member's account in the Fund*".

3/5/68-PF. II

Sd/-

DALJIT SINGH
Under Secretary

Mormugao Port Trust

Notification

MPT/IGA(E.986)/68

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendments to the Mormugao Port Employees' (Contributory Provident Fund) Regulations, 1965 and the Mormugao Port Employees' (Contributory Provident Fund Special Contribution) Regulations, 1966, adopted by the Board of Trustees are hereby published.

Amendment to the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965.

Substitute the following for Regulation 2(4) of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965:—

2(4) "Emoluments" shall with effect from 1st August 1967 means:—

- (a) In the case of a Class I or Class II employee, pay, leave salary and subsistence grant as defined in the Fundamental Rules of the Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber, and any remuneration of the nature of pay received in respect of foreign service but does not include Dearness Allowance, Goa Compensatory Allowance, House Rent Allowance, Conveyance Allowance, Overtime Fees, Cement Testing Allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, Holidays

and Off days, Fees for supervision of floating craft, Honorarium, Diving Allowance, Ration Allowance and any payment which is in the nature of incentive bonus not connected with the output of work, Family Allowance, Children's Education Allowance, Reimbursement of Tuition Fees, Voyage Allowance, etc.

- (b) In the case of a Class III or Class IV employee, pay, leave salary and subsistence grant as defined in the Fundamental Rules of Central Government or in the regulations, if any, framed by the Board, whichever may be applicable to the subscriber, and any remuneration of the nature of pay received in respect of foreign service and includes Dearness Allowance, Goa Compensatory Allowance and Interim Relief but does not include House Rent Allowance, Conveyance Allowance, Overtime Fees, Cement Testing Allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, Holidays and Off days, Fees for supervision of floating craft, Honorarium, Diving Allowance, Ration Allowance and any payment which is in the nature of incentive bonus not connected with the output of work, Family Allowance, Children's Education Allowance, Reimbursement of Tuition Fees, Voyage Allowance, etc.

Amendments to the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966.

I—Substitute the following for regulation 3(iii) of the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966:—

3(iii) "Emoluments" with effect from the 1st August 1967 means the emoluments which the employee was receiving immediately before his retirement or death and includes:—

(1) If the subscriber is a Class I or Class II employee:—

- Substantive pay in respect of a permanent post other than a tenure post held in a substantive capacity;
- Personal pay which is granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post;
- Special pay attached to a permanent post, other than a tenure post, when the special pay has been sanctioned permanently and the post is held in a substantive capacity;
- If he has held at any time during the one year immediately preceding the date of quitting service some post (s) higher than the post held substantively by him on that date (including a post treated as having been held in a substantive capacity under the clause (e) below, the pay as in clause (a) to (c) above, increased by one half of the

excess, if any, of the monthly average of the total pay, personal pay and special pay admissible in the post or posts actually held (or which would have been held but for being on leave, foreign service) during that one year, over the pay as in clause (a) to (c) above.

- (e) If an employee holding a permanent post in a substantive capacity officiates in a higher permanent post (other than a tenure post) or holds a higher temporary post (other than a tenure post) borne on a cadre which includes permanent posts on the same time scale as the temporary post, continuously for not less than three years, and retires or dies while so officiating or holding the higher post his emoluments for the special contribution in respect of the higher post shall be determined under clause (a) to (d) above as if he held, in a substantive capacity, a permanent post on a time scale identical with that of the higher post. For this purpose all kinds of leave, all periods during which an employee officiated in a permanent post or held a temporary post on an identical or higher time scale, and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post (s) or going on deputation on foreign service, as the case may be, the employee concerned would have officiated in or held the higher post.

Note: If immediately before his retirement or death an employee has been absent from duty on authorised leave, his emoluments for the purpose of calculating the special contribution shall be taken at what they would have been had he not been absent from duty:

Provided that the amount of special contribution is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

(2) If the subscriber is a Class III or Class IV employee:—

- (a) Substantive pay in respect of a permanent post other than a tenure post held in a substantive capacity and Dearness allowance and Goa Compensatory Allowance based on such pay and Interim Relief:
- (b) Personal pay which is granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post:
- (c) Special pay attached to a permanent post, other than a tenure post, when the special pay has been sanctioned permanently and the post is held in a substantive capacity:
- (d) If he has held at any time during the one year immediately preceding the date of quitting service some post (s) higher than the post held substantively by him on that date (including a post treated as having been held in a substantive capacity under the clause (e) below, the pay, Dearness Allow-

ance, Goa Compensatory Allowance and Interim Relief as in clause (a) to (c) above, increased by one half of the excess, if any, of the monthly average of the total pay including Dearness Allowance, Goa Compensatory Allowance and Interim Relief, personal pay and special pay admissible in the post or posts actually held (or which would have been held but for being on leave, foreign service) during that one year, over the pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief as in clause (a) to (c) above.

- (e) If an employee holding a permanent post in a substantive capacity officiates in a higher permanent post (other than a tenure post) or holds a higher temporary post (other than a tenure post) borne on a cadre which includes permanent posts on the same time scale as the temporary post, continuously for not less than three years, and retires or dies while so officiating or holding the higher post his emoluments for the special contribution in respect of the higher post shall be determined under clause (a) to (d) above as if he held, in a substantive capacity, a permanent post on a time scale identical with that of the higher post. For this purpose all kinds of leave, all periods during which an employee officiated in a permanent post or held a temporary post on an identical or higher time scale, and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post (s) or going on deputation on foreign service, as the case may be, the employee concerned would have officiated in or held the higher post.

Note: If immediately before his retirement or death an employee has been absent from duty on authorised leave, his emoluments for the purpose of calculating the special contribution shall be taken at what they would have been had he not been absent from duty:

Provided that the amount of special contribution is not increased on account of increase in pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief not actually drawn and that the benefit of higher officiating or temporary pay, Dearness Allowance, Goa Compensatory Allowance and Interim Relief is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

II — Substitute the following for regulation 4(2) of the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966:—

4(2): If a subscriber as on 1st August 1967 or thereafter not being a Class I or Class II employee quits service on:—

- a) completion of thirty years' service; or
- b) attainment of the age of fifty-five years, or
- c) retirement or resignation after ten years' service on grounds admitted by the Chair-

- man as good and sufficient from the point of view of the Administration; or
- d) discharge as distinguished from dismissal, after ten years' service; or
 - e) retirement due to permanent physical or mental incapacity, or abolition of appointment, if other suitable employment cannot be found for him; or
 - f) on completion of 15 years' service under any circumstances including dismissal or removal for misconduct.

III.—Substitute the following for the first Proviso below regulation 4(3) of the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966:

Provided however, that where the service of the subscriber has been terminated on account of dismissal after completion of 15 years service and the Board has suffered any monetary loss, due to the misconduct of the employee leading to his dismissal, the amount of such monetary loss shall be deducted from the amount of Special Contribution payable to him under this regulation and if the amount of Special Contribution is insufficient for the purpose, the balance of such monetary loss shall be recovered from the Board's Contribution payable to him under regulation 11 of the Mormugao Port Employees (Contributory Provident Fund) Regulations, 1965.

By order,

P. G. Kundaji

For Secretary.

Mormugao, 29th October, 1968.

Notification

MPT/IGA(E.344)/68

As required under Section 124(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Central Government vide Ministry of Transport and Shipping's letter No. 7-PE(11)/68 dated the 15th October 1968, have accorded approval to the amendment to the Mormugao Port Employees' (Leave) Regulations, 1964 published in the Government Gazettes Nos. 18 and 19 (Series I) dated the 1st and 8th August 1968 respectively.

The amendment will be effective from the date of publication of this notification.

By order,

P. G. Kundaji

For Secretary

Mormugao, 26th October, 1968.

Public Health Department

Notification

A-9/68-DHS/8710

Government of India, Ministry of Petroleum and Chemicals (Department of Chemicals) order dated

26-8-68, published in Part II Section 3, sub-section (ii) of the Gazette of India Extraordinary dated 26-8-68 is hereby re-published for general public information.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Public Health Department.

Panaji, 13th November, 1968.

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Chemicals)

New Delhi, the 26th August, 1968

Order

S. O.—In exercise of the powers conferred by sub-section (1), read with clauses (c) and (e) of sub-section (2), of section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment to the Drugs Prices (Display and Control) Order, 1966, namely:—

1. (1) This Order may be called the Drugs Prices (Display and Control) Amendment Order, 1968.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Drugs Prices (Display and Control) Order:—

(1) for clause (b) of paragraph 2, the following clauses shall be substituted, namely:—

(b) "drug" shall have the meaning assigned to it in clause (b) of section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940), but shall not include—

(i) all medicines included in the Ayurvedic, Unani and Siddha systems; and

(ii) such substances intended to affect the structure or any function of the human body as may, from time to time, be specified by the Central Government by notification in the Official Gazette";

(2) for sub-paragraph (3) of paragraph 6B, the following sub-paragraphs shall be substituted, namely:—

"(3) The manufacturer, importer or distributor of a new drug may, before introducing such new drug for sale, or including the price of such new drug in his price list in pursuance of sub-paragraph (1), apply to the Central Government for a decision as to whether the drug constitutes a new drug within the meaning of the said sub-paragraph.

(4) Where an application is received under sub-paragraph (3), the Central Government shall within a period of forty-five days of the receipt of the said application, by order, inform the applicant of its decision as to whether or not the drug constitutes a new drug as aforesaid and such decision shall be final.

(5) The manufacturer, importer or distributor of such new drug may, —

- (a) on receipt of the order of the Central Government that the drug constitutes a new drug; or
- (b) where no such Order is received from the Central Government, after the expiry of the period of forty-five days, referred to in sub-paragraph (4),

follow the procedure laid down in sub-paragraph (1) for introducing the new drug for sale or including the price of such new drug in his price list and the provisions of sub-paragraph (2) shall; in so far as they relate to the fixation of price, apply to the said new drug.”;

(3) after paragraph 6B, the following paragraph shall be inserted, namely: —

“6C. Special provision for fixation or revision of whole-sale and retail price in the case of drug without a specific brand name: —

Notwithstanding anything contained in paragraph 3 and 6, any manufacturer, importer or distributor

may either revise the whole-sale price and the retail price of a drug shown in the price list or fix the whole-sale price and retail price of new drug without the prior approval of the Central Government provided such a drug is without a specific brand name and is exclusively sold under the name given to it in the latest editions of any of the following publications, namely: —

1. The Indian Pharmacopoeia.
2. The British Pharmacopoeia.
3. The British Pharmaceutical Codex.
4. The United States Pharmacopoeia.
5. The State Pharmacopoeia of the U. S. S. R.
6. The National Formulary of the U. S. A.
7. The National Formulary of India.
8. The Homoeopathic Pharmacopoeias of U. K., U. S. A. and Germany”.

[No. 17(21)/68-CH.III]

Sd/-

M. RAMAKRISHNAYYA

Joint Secretary to the Government of India.